

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN JAMES DUEL,

Plaintiff,

Case No. 1:06-cv-833

v.

Hon. Richard Alan Enslen

STATE OF MICHIGAN,

Defendant.

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ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed January 31, 2007, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that plaintiff's complaint is **DISMISSED** for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that the dismissal of this action will count as a strike for purposes of 28 U.S.C. § 1915(a)(3). See *McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Dated in Kalamazoo, MI:
April 9, 2007

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge